

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action dated February 12, 2009 (“*Office Action*”). At the time of the *Office Action*, Claims 1-15 were pending and rejected in the Application. Applicants amend Claims 1, 5, 9, and 13. No new matter is added by these amendments. Applicants respectfully request reconsideration and favorable action in this case.

**Section 112 Rejections**

Applicants appreciate the Examiner’s withdrawal of the rejection of Claims 1-15 under 35 U.S.C. § 112, second paragraph. Applicants note, however, the Examiner’s characterization of Applicants’ definition of “metadata” as “unusual.” Applicants submit that the term “metadata” should not be limited to any definition, usual or unusual, to the extent that such definition is inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations and Applicants’ Specification. In the previous Response, Applicants cited various portions of the Specification as providing example support for the term “metadata.” However, the cited portions provide mere examples of metadata according to certain embodiments. Applicants neither agree or disagree that the term “metadata” as used in Applicants’ Specification is “unusual.”

**Section 102 Rejections**

Claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,062,540 issued to Reddy et al. (“*Reddy*”). Applicants respectfully submit that Claims 1-15 are allowable for at least the reasons provided below.

Initially, Applicants note that in the Response to Office Action submitted on November 19, 2008, Applicants argued that *Reddy* does not disclose, teach, or suggest “using a management device to provide at least one web service . . . providing an agent metadata service on each of a plurality of remote agents . . . each of the plurality of remote agents separated from the management device by at least one of a firewall, proxy server, and Virtual Private Network (VPN),” as formerly recited in Claim 1. (*Response Submitted November 19, 2008*, pages 8-9). In response, the Examiner states “it is noted that the features upon which applicant relies (i.e., that the management device must include a firewall (p. 8) are not recited in the rejected claim(s)).” (*Office Action*, page 2). Applicants respectfully submit, however,

that it was not and never has been Applicants' argument that *Reddy* does not disclose that the management device includes a firewall. Likewise, it is not Applicants' contention that Applicants' claims require the management device to include a firewall. Rather, it was and continues to be Applicants' position that the *Reddy* does not disclose a management device that both performs the operations recited in Applicants' claims and is separated from the remote agents by at least one of a firewall, proxy server, and Virtual Private Network (VPN).

Solely for the purpose of advancing this case to allowance and without conceding the veracity of the Examiner's rejection, Applicants have amended independent Claim 1 of the present Application to recite:

A method for management and configuration of remote agents, comprising:

using a management device to provide at least one web service;

providing an agent metadata service on each of a plurality of remote agents, each of the plurality of remote agents separated from the management device by a firewall, each agent metadata service operable to retrieve agent metadata residing on the remote agent based on one or more detection parameters;

receiving, by the at least one web service, the agent metadata from the plurality of remote agents, the agent metadata transmitted to the web service of the management device through the firewall; and

detecting, by the at least one web service, at least one remote agent on a network based on the agent metadata; and

using the at least one web service on the management device to perform at least one of managing and configuring the at least one remote agent based on the at least one web service, wherein the managing and configuring that is performed by the management device runs across the firewall.

Whether considered alone or in combination with any other cited references, *Reddy* does not disclose, either expressly or inherently, each and every element of the claims.<sup>1</sup>

For example, *Reddy* fails to teach or suggest "using a management device to provide at least one web service . . . the plurality of remote agents separated from the management

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

device by a firewall,” as recited in amended Claim 1. *Reddy* discloses a portal 20 “to remotely monitor and manage one or more applications 42 executing at one or more computer systems 40 associated with one or more domains 30.” (*Reddy*, Column 3, lines 45-47). Applicants do not dispute that the system of *Reddy* includes a firewall 50. (*Reddy*, Figure 2). Rather, it is Applicants’ position that servlet engine 64 (rather than portal 20) comprises the web server and performs the monitoring and management functionality. For example, *Reddy* discloses that monitoring and management portal 20 merely includes a web browser 22, a user interface 24, and a repository 25 for storing user profiles and preferences. (*Reddy*, Figure 2; Column 4, lines 31-62). Thus, management portal 20 is a mere user portal. However, as disclosed in *Reddy*, the functionality for monitoring the applications is provided by a “a communication layer 60 and an monitoring and management layer 70 [that] are included in each domain 30 to provide portal 20 with access to applications 42.” (*Reddy*, Column 5, lines 3-4). *Reddy* explicitly discloses that the monitoring and management layer is provided in the domain 30 “since domains 30 have associated firewalls 50 limiting access to applications 42). (*Reddy*, Column 4, line 67 through Column 5, line 4). Accordingly, *servlet* engine 64, within domain 30, is “used to gather appropriate information from the database and to generate a web page or other appropriate content for communication by web server 62 to portal 20.” (*Reddy*, Column 5, lines 28-31). Because the monitoring and management functionality is provided **by a webserver/servlet engine located in the domain** and is not separated from agents 72 by a firewall (the only firewall being firewall 50 between domain 30 and portal 20 and not between webserver 62 and agents 72), Applicants respectfully submit that *Reddy* does not disclose, teach, or suggest “using a management device to provide at least one web service . . . the plurality of remote agents separated from the management device by a firewall,” as recited in amended Claim 1.

As another example, *Reddy* fails to teach or suggest “receiving, by the at least one web service, the agent metadata from the plurality of remote agents, the agent metadata transmitted to the web service of the management device through the firewall,” as recited in amended Claim 1. As discussed above, *Reddy* discloses that the functionality for monitoring the applications is provided by a “a communication layer 60 and an monitoring and management layer 70 [that] are included in each domain 30 to provide portal 20 with access to applications 42.” (*Reddy*, Column 5, lines 3-4). Such layers are provided in the domain 30 “since domains 30 have associated firewalls 50 limiting access to applications 42). (*Reddy*,

Column 4, line 67 through Column 5, line 4). Accordingly, *servlet* engine 64, within domain 30, is “used to gather appropriate information from the database and to generate a web page or other appropriate content for communication by web server 62 to portal 20.” (*Reddy*, Column 5, lines 28-31). Thus, to the extent that *Reddy* discloses a web server, the web server is provided by a webserver/servlet engine located in the domain and is not separated from agents 72 by a firewall (the only firewall being firewall 50 between domain 30 and portal 20). Thus, when the data is received by the web service, it has not been transmitted through a firewall. Accordingly, Applicants respectfully submit that *Reddy* does not disclose, teach, or suggest “receiving, by the at least one web service, the agent metadata from the plurality of remote agents, the agent metadata transmitted to the web service of the management device through the firewall,” as recited in amended Claim 1.

As still another example, *Reddy* fails to teach or suggest “using the at least one web service on the management device to perform at least one of managing and configuring the at least one remote agent based on the at least one web service, wherein the managing and configuring that is performed by the management device runs across the firewall,” as recited in amended Claim 1. As discussed above, *Reddy* discloses that the functionality for monitoring the applications is provided by a “a communication layer 60 and an monitoring and management layer 70 [that] are included in each domain 30 to provide portal 20 with access to applications 42.” (*Reddy*, Column 5, lines 3-4). Such layers are provided in the domain 30 “since domains 30 have associated firewalls 50 limiting access to applications 42). (*Reddy*, Column 4, line 67 through Column 5, line 4). Accordingly, *servlet* engine 64, within domain 30, is “used to gather appropriate information from the database and to generate a web page or other appropriate content for communication by web server 62 to portal 20.” (*Reddy*, Column 5, lines 28-31). Thus, to the extent that *Reddy* discloses a web server, the web server is on a webserver/servlet engine located in the domain. The webserver/servlet engine is explicitly described as being within the domain and is distinguished from a system in which the webserver/servlet and the agents 72 are separated by a firewall. Thus, *Reddy* does not disclose, teach, or suggest “using the at least one web service on the management device to perform at least one of managing and configuring the at least one remote agent based on the at least one web service, wherein the managing and configuring that is performed by the management device runs across the firewall,” as recited in amended Claim 1.

For at least these reasons, Applicants request reconsideration and allowance of independent Claim 1, together with Claims 2-4 that depend on Claim 1. For analogous reasons, Applicants also request reconsideration and allowance of independent Claims 5, 9, and 13, together with Claims 6-8 and 10-12 that depend on Claims 5 and 9, respectively.

**No Waiver**

Additionally, Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.


**CONCLUSION**

Applicants respectfully submit that this Application is in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stand ready to conduct such a conference at the convenience of the Examiner.

No fees are believed due; however, the Commissioner is authorized to charge any fees or credits to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants

  
Jenni R. Moen  
Reg. No. 52,038  
(214) 415-4820

Date: April 13, 2009

**CORRESPONDENCE ADDRESS:**

Customer No.: **05073**